

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CR-11-354-D
	)	
SAFIYYAH TAHIR BATTLES,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is the United States' Motion to Exclude Testimony of Terrance D. Teel [Doc. No. 92], to which Defendant has timely objected. The government seeks to exclude from trial a defense witness, a certified public accountant, who has prepared summaries and schedules that Defendant proposes to offer for admission at trial. The government contends that Mr. Teel should not be permitted to testify as an expert witness and, if presented as a lay witness, Mr. Teel should not be allowed to sponsor Defendant's proposed exhibits, which reflect simple arithmetic.<sup>1</sup> In response, Defendant confirms that she intends to call Mr. Teel to sponsor the schedules he prepared and the documents reflect nothing more than arithmetic. She argues that the exhibits are relevant and will not be misleading if Mr. Teel is allowed to explain them.

Upon consideration of the parties' arguments, the Court concludes that Mr. Teel will not be called as an expert witness to provide opinion testimony pursuant to Fed. R. Evid. 702. To the extent that Defendant proposes to call Mr. Teel as a lay witness to sponsor the proposed exhibits, the Court finds that it presently lacks sufficient information about the case and the evidence

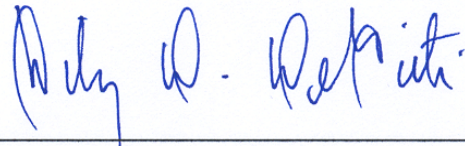
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<sup>1</sup> The government notes that one proposed exhibit might be utilized as a summary of voluminous records without admission into evidence.

discussed in the parties' briefs to issue a pretrial ruling. Therefore, the Court will reserve ruling on the government's Motion, and address it during the trial prior to the presentation of Defendant's case in chief.

IT IS THEREFORE ORDERED that the United States' Motion to Exclude Testimony of Terrance D. Teel [Doc. No. 92] is GRANTED as to the presentation of Mr. Teel as an expert witness, but otherwise RESERVED for trial.

IT IS SO ORDERED this 13<sup>th</sup> day of June, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE